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Reg: US V Microsoft, Anti Trust Act
Tunney Act Comments

Ladies and Gentlemen,

I am opposed to the settlement as written. I believe it not to be in the public interest.

Many times I've heard or seen comments to the effect that "We can't do that... look at the effect on our economy that would have..." Statements such as these are wrong and must be rejected. I believe Franklin Roosevelt said it best:

The liberty of a democracy is not safe if the people tolerate the growth of private power to a point where it becomes stronger than their democratic State it self. That, in its essence is Facism - ownership of a government by an individual, by a group, or any controlling private power. -- *Franklin D. Roosevelt*

That is also a great benefit of the Tunney Act, under which I write this objection.

There are two themes that I see missing: (1) they should be broken up, and (2) their interfaces between the companies and products lines must be publicly available. Each of the baby-Microsofts must make use of, and work only from the same publicly available documentation that every one else has access to.

Specifically:

1) The Divisions

I believe that the public interest would be better served Microsoft should be split into at least 4 operating units, not the two that Judge Jackson ruled.

Those divisions should be:

Games & Entertainment Group.
Focus: The home user

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Includes XBOX, Cable TV, WebTV, MSN, Hotmail, all "Internet Related" activities, Microsoft Reader [eBooks] and Internet Explorer,

Business Applications

Focus: The business user

This would include Microsoft Word, Excel, PowerPoint, Access, Visio

Servers And Operating Systems

Focus: Core Operating systems, and servers.

This would include Microsoft Windows CE/95/98/XP/2000/*whatever* ... and all of its successors *what ever* they may be. Exchange Mail Server, SQL Server, Terminal Server,

Developer Tools

Focus: The software developer community, the people who write the applications.

This would include Visual Studio, the computer language compilers for things like "C, C++, C#, Java, linkers, assembler, Visual Basic, FoxPro" and so forth.

2) Publicly Document the Interfaces, common to all.

This is the fundamental means by which Microsoft has extended and held their monopoly and will continue to hold it:

The proprietary communications formats the Microsoft applications use.

These 'communications formats' include: (a) 'over the wire' communications such as when one computer communicates with another [Such as a computer network, or the internet], and (b) documentation of the file formats that their products use [such as those used by Microsoft Office].

Today, through out the world many companies claim to have an "ISO-9000" (or 9001, or 9002) certification. The fundamental requirement those certifications have is simple:

Document what you do.
Do what you document.
Nothing more, nothing less

If you look back at the IBM Anti Trust case, and the Telephone industry, a central theme in the solutions are or where: Document the interfaces between the systems, and abide by them.

The openness of protocols and file formats is so fundamental that there must be a lethal "Sword Of Damocles" making Microsoft document and publish what they do so that competitors have a chance to offer a competing product.

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The most striking example of this I can find of this is the documentation for the ubiquitous Microsoft Word DOC file format, or the lack there of. If one was to write a competing word processor, one needs to be able to read and write DOC files. To do so, one needs documentation. To date, all DOC file format programs have been reverse engineered [Those in the industry are aware of the phrase "Undocumented Function Call", a hall mark of a Microsoft Style]

For example: I wish to write a word processing program. To compete in the market place, my product must be able to read and write the Microsoft Word .DOC file format directly.

Nowhere at Microsoft.COM can one find an accurate description of the DOC.

The response I have seen about this is: You should supply a plug-in converter for Word so that users could download it. That might be one business solution. I think this will work just as well as Netscape being able to supply their browser to customers using this method...

My example word processor, to be a viable product must be able to read and write a DOC file directly – without messing up. (How many times have you, or a co-worker imported a file, only to find it screw up, this is a constant problem users face.)

To Microsoft's credit, on their web site one can find Microsoft's "Knowledge Base" article id: Q111716 titled: "How to Obtain the WinWord Converter SDK (GC1039)"

Which has not been updated since 1997. Obviously over the last 5 years we've seen Word98, then Word-2000, and now Word-XP yet there is no updated documentation that I can find.

The simple test is this: Please supply me with a Part Number and Price so that I may order full, complete, and not 'reverse-engineered by a 3rd party' documentation for the various file formats used by the last 4 versions of Microsoft Office (Office 98, ME, 2000 and XP). And no, it's not in the MSDN developer package – I've looked. If I've overlooked it – please tell me exactly what file or 'page' to find this information.

By the way, the "GC1039" documentation refers you to yet another document about RTF files that is of some help, but is so hopelessly out of date (Again 1997) – and has this caveat:

Note: The sample RTF reader is not a for-sale product, and Microsoft does not provide technical or any other type of support for the sample RTF reader code or the RTF specification.

Site: <http://msdn.microsoft.com/library/default.asp?url=/library/en-us/dnrtf/spec/html/rtf/spec.asp>, click on "Appendix A: Sample RTF Reader"
[Visited & Verified January 28, 2002]

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Microsoft and all the baby-Microsofts must be required to document completely, fully and un-ambiguously their external interfaces for all of the products or groups of products for which they hold a monopoly.

Given Microsoft's prior record there must be a "Sword Of Damocles" to enforce this.

My choice would cost Microsoft nothing if they behave, and lots if they misbehave. It works like this:

This requirement is in effect for a product, or families of products where Microsoft represents more than 49.9% of the installed user base, and does not expire for at least 20 years.

The requirement to supply documentation for a specific product interface expires 1 year after the product is no longer available for purchase (or licensing).

Microsoft must in a timely manner, make widely and freely available under a 'free license' (no patent royalties or non-disclosures required), at a cost of no more than the cost of duplication the documentation for all interfaces to their products.

The first of such disclosures must be made at the same time each "beta or test" version is made available. Specifically: The interface documentation must be of the same quality and accuracy that the 'beta or test' application is.

Where applicable, part of the documentation Microsoft should include reference program [or application], with full source code under the same free terms as the documentation that serves to validate the documentation.

As each 'service pack' or 'patch' is made available to improve an application, so must the interface documentation be improved.

If any one [not just baby Microsofts] asks another for further clarification or information, that information must be posted in a public way so that others may benefit from the information.

If a reasonable man would conclude that the above conditions were not met, Microsoft would be required to refund 100% of the license fees they have collected for the effected products, including a 5% interest as if the license fees were deposited in a bank account.

If a reasonable man would conclude that the disclosures were purposely vague, or show a pattern of problems that are not remedied the penalties increase 10 fold.

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The test of this solution is simple:

If Microsoft says they will document – they will have no fear of the Damocles' sword, as it will never fall. This sword makes them understand in simple terms: Do not forget to document what you do, and do what you document. And you will do nothing else.

Thank you for your time.

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